

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 08-1799

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Patricia Thomas,

Appellant,

v.

MO Jackson County,

Defendant,

Circuit Court of Jackson County,  
Missouri, and all judges of the Circuit  
Court; State of Missouri,

Appellees.

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Appeal from the United States  
District Court for the  
Western District of Missouri.

[UNPUBLISHED]

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Submitted: September 8, 2009  
Filed: October 7, 2009

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Before MURPHY, COLLOTON, and SHEPHERD, Circuit Judges.

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PER CURIAM.

Patricia Thomas appeals the district court's<sup>1</sup> dismissal without prejudice of her civil rights action and denial of her motion for default judgment. After careful review,

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<sup>1</sup>The Honorable Nanette K. Laughrey, United States District Judge for the Western District of Missouri.

we conclude that Thomas did not properly serve defendants, and that the district court did not abuse its discretion in granting defendants' motion to dismiss on that basis. See Marshall v. Warwick, 155 F.3d 1027, 1030 (8th Cir. 1998) (standards of review); see also Fed. R. Civ. P. 4(d), (e), (m); Mo. Rev. Stat. § 506.150.4. In addition, we find no abuse of discretion in the denial of default judgment. See Norsyn, Inc. v. Desai, 351 F.3d 825, 830 (8th Cir. 2003) (court did not abuse its discretion in denying plaintiff's motion for default judgment where defendants were never properly served, and thus had no obligation to file answer).

Accordingly, we affirm. See 8th Cir. R. 47B.

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